

MINUTES OF THE MEETING
OF THE CITY COUNCIL OF THE
CITY OF BURLINGTON

July 17, 2007

7:30 P.M.

The City Council of the City of Burlington held a regularly scheduled meeting in the Council Chamber, Municipal Building, 425 South Lexington Avenue, Burlington, NC, 27216-1358, on July 17, 2007, at 7:30 p.m.

Mayor Stephen M. Ross presided

Councilmembers present: Mayor Ross, Councilmembers Jones, Huffman, Starling and Wall

Councilmembers absent: None

Harold Owen, City Manager, present

Robert M. Ward, City Attorney, present

Jondeen D. Terry, City Clerk, present

INVOCATION: Councilmember Don Starling

PRESENTATION TO CITY COUNCIL:

Alamance County Arts Council - Mr. Cary Worthy

RECOGNITION:

Chief Mike Gauldin - By Burlington-Alamance Sister Cities

City Councilmembers commended Chief Gauldin for having performed a great job as police chief.

COMMENTS:

Mr. Allen Gant, President, Glen Raven Mills, Inc., spoke in opposition to the Jordan Lake Rules

MINUTES

Mayor Ross called for approval of the City Council minutes of the meeting of June 19, 2007.

Upon motion by Councilmember Huffman, seconded by Councilmember Starling, it was resolved unanimously to approve the minutes of the meeting held on June 19, 2007.

ADOPTION OF AGENDA

City Attorney Ward asked to add a request from the City of Graham to the end of the agenda.

Upon motion by Councilmember Huffman, seconded by Councilmember Jones, it was resolved unanimously to adopt the agenda with the add-on.

CONSENT AGENDA:

1. (A) To adopt a resolution opposing Jordan Lake Rules as proposed.

07-15

RESOLUTION OPPOSING JORDAN LAKE RULES AS PROPOSED

WHEREAS, the North Carolina Department of Environment and Natural Resources on June 15, 2007, published rules which, if adopted, will be the strictest watershed rules to date in the state and will enforce nutrient limits and implement a nutrient management strategy for the Jordan Lake watershed; and

WHEREAS, the Jordan Lake watershed consists of two distinct arms - the Haw River and New Hope Creek arms; and

WHEREAS, the Haw River arm encompasses a larger area than the New Hope arm and includes all or a part of Alamance, Caswell, Guilford, Rockingham, Orange and Chatham counties; and

WHEREAS, the two arms have different development patterns and highly divergent characteristics such as an average water flow retention time of five days in the Haw River arm and 418 days in the New Hope arm; and

WHEREAS, the proposed rules present numerous policy, scientific and economic problems such as treating the Jordan Lake watershed as a whole for development of a total maximum daily load (TMDL), and with the exception of mass loading nutrient limits for point source dischargers disregarding the clear differences between the sub basins; and

WHEREAS, substantial problems relating to data credibility have been identified and the data cited does not support the proposed point and non-point source rules; and WHEREAS, nitrogen from agricultural and forestry non-point sources consists of 55% of the load flowing into the reservoir, and phosphorus from the same sources consists of 66% of the load; and

WHEREAS, despite the above-mentioned facts, the rules call for local governments to bear 75% of the \$565 million cost of unprecedented non-point source measures including stormwater retrofits for existing development and costly nutrient reduction loads for all new development; and

WHEREAS, local governments must also shoulder an additional \$211 million over ten years to further upgrade wastewater treatment plants to meet pollution load reduction targets; and

WHEREAS, a coalition of cities and counties, the Haw River Clean Water Agencies, have worked for more than two years to pay for independent water quality testing, to identify and substantiate problems with data relied on by the state, and to communicate their concerns to staff of the Division of Water Quality and the Environmental Management Commission; and

WHEREAS, despite these efforts, fundamental problems consistently cited by the Haw River Arm local governments persist in the proposed rules; and

WHEREAS, the proposed rules, if adopted without modification by the Environmental Management Commission, would be precedent-setting for North Carolina, inequitable in their application and exorbitant in their cost;

NOW, THEREFORE BE IT RESOLVED that the City of Burlington by adoption of this resolution goes on record in opposition to the Jordan Lake rules as proposed; and

BE IT FURTHER RESOLVED that the City Council will work diligently in upcoming public hearings to point out factual discrepancies, inequitable application and long-term economic detriment to local governments and the private sector presented by the rules; and

BE IT FURTHER RESOLVED that the City Council will, during the public hearing process, proactively identify opportunities to modify the rules based on principles of sound science, quantifiable impacts, and coalition building with the agricultural community and local governments throughout the Jordan Lake watershed; and

BE IT FURTHER RESOLVED that the City Council will advocate for these initiatives with the hope of success with the Environmental Management Commission, and if the rules are not reasonably modified at that level, to pursue the initiatives with the N.C. Rules Review Commission and, if necessary, in a subsequent session of the General Assembly.

ADOPTED THIS 17th day of July 2007 by the City Council of the City of Burlington.

- (B) To approve a Tri-Party Agreement between the City of Burlington, the North Carolina Home Builders Association and the North Carolina Housing Finance Agency to set up the Construction Training Program. The City will pay \$65,000 of Community Development Block Grant funds to the North Carolina Home Builders Association to conduct the occupational training courses.
- (C) To set a date of public hearing for August 7, 2007, to consider the adoption of a Stormwater Permit Fee in accordance with General Statue 160A-314.
- (D) To temporarily close Pine Street from Key Street to Wicker Street on July 21, 2007, from 3:00 p.m. to 12:00 a.m.
- (E) To approve elevated water storage tank maintenance contracts with Utility Service Company, Inc., for the Park Avenue and Race Street tanks. The annual fee for the first five years would be \$112,681 for the Park Avenue tank. The annual cost for years six through nine will be \$39,440. After year nine, and every three years thereafter there will be a 5% adjustment to the annual fee. The Race Street tank contract is structured similarly with annual payments for the first five years of \$106,087. The annual fee for years six through nine will be \$38,111 and with the 5% increase occurring every three years after the ninth year.
- (F) To approve a Non-Disturbance Agreement between the City of Burlington and WP Properties Alamance, LLC. The agreement involves an encroachment across City-owned property located at the corner of Industry Drive (City of Burlington Fire Station #5) and a private road owned by WP Properties Alamance.
- (G) To adopt an ordinance approving the following Traffic Commission recommendations:

AMENDMENT TO THE CITY OF BURLINGTON TRAFFIC ORDINANCE

BE IT ORDAINED by the City Council of the City of Burlington:

1) To prohibit parking on the north side of Spring Street from a point 96 feet east of the centerline of Sixth Street to a point 189 feet east of the centerline of Sixth Street.

2) To install traffic control devices at the following locations:

Windermere Subdivision:

- a. Stop sign on Clarendon Road, eastern approach to Juniper Road
- b. Stop sign on Juniper road, southern approach to Cambridge Road
- c. Stop sign on Winterbell Drive, northern approach to Cambridge Road

Mackintosh on the Lake, Avalon Subdivision, Phase 2, Sections 1 and 3

- a. Stop sign on Lauder Lane, northern approach to Glenkirk Drive
- b. Stop sign on Glenkirk Drive, southeastern approach to Bonnar Bridge Parkway

Waterford Subdivision, Phase 3

- a. Stop sign on Cappelquin Way, southern approach to Nire Valley Drive
- b. Stop sign on Blackwater Court, eastern approach to Cappelquin Way

3) To replace yield signs with stop signs on the eastern and western approaches of Rader Street to Atwood Drive.

4) To install a stop sign at Chandler Court, southwestern approach to Hampton Court, and remove a yield sign at Hampton Court, southeastern approach to Chandler Court.

5) That all ordinances or parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed.

6) That this ordinance shall take effect upon passage.

- (H) To approve a final plat of Phase 1, Section 6, Glenmoor Townhomes Subdivision, Mackintosh on the Lake, Section J-2. The property is located on Bonnar Bridge Parkway west of St. Mark's Church Road and southwest of Danbrook Road as shown on plans by Alley, Williams, Carmen and King, Inc., dated June 8, 2007, and containing three lots.
- (I) To approve a final plat of Phase 1, Ballantrae Subdivision, Mackintosh on the Lake, Section D. The property is located on the south side of Loch Ridge Parkway and southwest of Danbrook Road as shown on plans by Alley, Williams, Carmen and King, Inc., dated June 8, 2007, and containing 30 lots.
- (J) To approve a final plat of the WKS Corporation Subdivision showing a recombination and right-of-way dedication. The property is located on the north side of Crouse Lane approximately 1,300 feet east of Kirkpatrick Road as shown on plans by Fleming Engineering, Inc., dated June 11, 2007, and containing two lots.
- (K) Budget Amendment 2008-01 - Amend Burlington Downtown Corporation 2007-08 Budget - Master Plan

BA2008-01

Increase Revenues:

042-72720-0000 Appropriated Fund Balance	\$60,000
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Increase Expenditures:

042-72720-6601 Master Plan	\$60,000
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- (L) Budget Amendment 2008-02 - Weed & Seed Grant Reallocation of Funds

BA2008-02

Decrease Expenditures:

519-50000-4500 Contracted Services	\$12,099
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Increase Expenditures:

519-50000-0300 Personnel Services - O/T	\$12,099
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Upon motion by Councilmember Huffman, seconded by Councilmember Wall, it was resolved unanimously to allow Councilmember Jones to be recused from consent agenda Item J and Item 3, a public hearing to consider permanently closing a portion of St. Mark's Church Road due to his law firm's involvement.

Councilmember Wall stated that in the past he had recused himself on rezoning issues south of the interstate because of the land purchase from Wakefield involving the Alamance-Burlington School System. Mr. Wall stated he recently asked City Attorney Ward to review the general statutes and to advise him regarding conflicts of interest.

City Attorney Ward stated that there were two basic statutes that deal with conflicts of interest for members of City Council, G. S. 160A-75 and G. S. 160A-381. Mr. Ward stated that he would not read these statutes because both were fairly straightforward. He further stated that there was no case law interpreting these statutes, but he had explained to Councilmember Wall that in those instances where he has a financial interest in the matter to be voted on by the City Council, this interest should be disclosed and he should ask the Council to be recused. Mr. Ward also stated that if Mr. Wall did not have any financial interest, then he would be obligated to vote on the matter before the City Council.

Councilmember Huffman asked if there had been a change in the statute.

Mr. Ward stated there had not been a change in statute.

Upon motion by Councilmember Jones, seconded by Councilmember Huffman, it was resolved unanimously to approve the foregoing consent agenda with the exception of Item J.

Upon motion by Councilmember Huffman, seconded by Councilmember Starling, it was resolved unanimously to approve Item J. Councilmember Jones abstained from voting.

PUBLIC HEARINGS:

ITEM 2: ECONOMIC DEVELOPMENT INCENTIVE

Mayor Ross announced that a public hearing had been scheduled to consider an Economic Development Incentive.

City Manager Harold Owen stated that the request had been withdrawn.

ITEM 3: PERMANENT STREET CLOSING - ABANDONMENT - RIGHT-OF-WAY -
ST. MARK'S CHURCH ROAD

Mayor Ross announced that a public hearing had been scheduled to consider a request to permanently abandon the right-of-way of a portion of St. Mark's Church Road at Alamance Crossing.

Mr. Lawson Brown, Vernon, Vernon, Wooten, Brown, Andrews & Garrett, PA, asked that a portion of old St. Mark's Church Road be permanently abandoned on behalf of Alamance Crossing, LLC, located south of Boone Station Drive. Mr. Brown stated that Boone Station Drive would run from University Drive through the development.

Mr. Tony Laws, Recreation and Parks Director, stated that he did not have a problem with closing this part of St. Mark's Church Road but requested that the speed limit on Rural Retreat Road be reduced from 35 mph to 25 mph. He stated a reduction in the speed would make it safer for traffic at Joe Davidson Park especially with vehicles coming over the hill from University Drive.

Councilmember Huffman suggested the Traffic Commission consider that request.

Upon motion by Councilmember Starling, seconded by Councilmember Huffman, it was resolved unanimously to close the public hearing.

Councilmember Huffman moved the adoption of the following resolution:

07-16

FINAL RESOLUTION AND ORDER TO PERMANENTLY ABANDON A PORTION OF
ST. MARK'S CHURCH ROAD

WHEREAS, pursuant to North Carolina General Statutes, Section 160A-299, the City Council of the City of Burlington held a public hearing on July 17, 2007, to consider permanently abandon a portion of St. Mark's Church Road.

WHEREAS, after full consideration of this matter, the City Council does hereby deem it to be in the best interest of the City of Burlington to permanently abandon a portion of St. Mark's Church Road according to N.C.G.S. 160A-299.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BURLINGTON:

Sec. 1. That the City Council, after full discussion of this matter at the public hearing held on July 17, 2007, and upon the terms and conditions hereinafter set forth, does hereby order to permanently abandon a portion of St. Mark's Church Road and being more particularly described as follows:

FIRST TRACT:

A CERTAIN TRACT or parcel of land in Boone Station Township, Alamance County, North Carolina, adjoining Boone Station Drive, Lots 3 and 5 of Plat Book 71 at Page 102 of the Alamance County Registry and Glidewell Drive and being more particularly described as follows:

BEGINNING at a point in the northern margin of Glidewell Drive in the line of Lot 16 or Out Parcel #3 as shown in Plat Book 71 at Page 102 of the Alamance County Registry (which point is located North 05° 01' 11" West 59.59 feet from a point labeled "Tie," which point is located North 05° 01' 11" West 30.86 feet from a concrete monument in the northern margin of Ramp RPA-1 for I-40/85); thence with the northern margin of Glidewell Drive, North 62° 03' 55" West 72.53 feet to a point; thence North 05° 01' 11" West 41.68 feet to a point in the line of Lot 17 or Out Parcel #5 as shown in Plat Book 71 at Page 102; thence with the said lot North 05° 39' 47" West 380.24 feet to a point in the southern margin of Boone Station Drive as the same intersects with Java Lane; thence with the southern margin of Boone Station Drive, on a curve to the right, said curve having a radius of 25 feet, an arc distance of 22.65 feet, having a Delta of 51° 54' 25" and with the chord bearing being North 86 ° 56' 02" East, 21.88 feet; thence continuing with the Southern margin of Boone Station Drive, South 67° 06' 45" East 48.95 feet to a point in the line of Lot 16 or Out Parcel #3 as shown in Plat Book 71 at Page 102; thence with the said lot, South 05° 01' 11" East 437.69 feet to the point and place of Beginning and being approximately 27,190 square feet, or .62 of an acre, more or less, of the "Old St. Mark's Church Road Variable Width Public Right-of-Way" as shown on a plat prepared by MSS Land Consultants dated May 22, 2007, and designated "Right-Of-Way Abandonment - A Portion of "Old" St. Mark's Church Road, Alamance County, NC."

The storm drainage easement as shown on the above-referenced plat shall remain.

SECOND TRACT:

A CERTAIN TRACT or parcel of land in Boone Station Township, Alamance County, North Carolina, adjoining Glidewell Drive, Ramp RPA-1 for I-40/85, Lots 4 and 6 of Plat Book 71 at Page 102 of the Alamance County Registry and being more particularly described as follows:

BEGINNING at a point in the northern margin of Ramp RPA-1 for I-40/85 (which Beginning point is located South 23 ° 13' 13" West 3,185.82 feet from a NCGS Monument "Garden" with a location of North 846,733.779 feet and East 1,848,833.638 feet, NC Grid (NAD 83)); thence with the northern margin of Ramp RPA-1 on a curve to the left, the curve having a radius of 508.53 feet, an arc distance of 60.72 feet, with a Delta of 06 ° 50' 28" and a Chord bearing of North 83° 51' 01" West 60.68 feet to a point; thence North 05 ° 39' 47" West 58.13 feet to a point in the southern margin of Glidewell Drive; thence with the southern margin of Glidewell Drive, South 62° 03' 55" East 71.73 feet to a point in the line of Lot 18A (Out Parcel #4); thence South 05 ° 01' 11" East 30.86 feet to the point and place of Beginning, and being approximately 2,618 square feet, or .06 of an acre, more or less, of the "Old" St. Mark's Church Road Variable Width Public Right of Way" as shown on a plat prepared by MSS Land Consultants dated May 22, 2007 and designated "Right-Of-Way Abandonment - A Portion of "Old" St. Marks's Church Road, Alamance County, NC."

- Sec. 2. That notice of said public hearing was published on June 19, 26, July 3 and 10, 2007.
- Sec. 3. That a copy of this resolution and order shall be mailed to all owners of the property abutting said street as more particularly described above.
- Sec. 4. That a notice of this closing was prominently displayed and posted in at least two places along said street.
- Sec. 5. That the North Carolina Department of Transportation has consented that this street may be closed in accordance with 160A-299(e).
- Sec. 6. That the City does hereby reserve any and all, if any, existing water and sewer easements on the foregoing described property.
- Sec. 7. That after full consideration of this matter at said public hearing, it appears to the satisfaction of the City Council of the City of Burlington to permanently

abandon a portion of St. Mark's Church Road and that no person owning property in the vicinity of said existing street will be deprived of reasonable means of ingress and egress to his property.

Sec. 8. That this resolution and order closing the above-described street shall be made effective as of the adoption of this resolution and order.

Sec. 9. That a copy of this resolution and order shall be filed in the office of the Register of Deeds for Alamance County, North Carolina.

Sec. 10. That this resolution shall take effect upon passage.

The foregoing resolution was seconded by Councilmember Wall, and it was passed unanimously. Councilmember Jones abstained from voting.

ITEM 4: FINAL RESOLUTION - ABANDONMENT - RIGHT-OF-WAY - MOREHEAD STREET

Mayor Ross announced that a public hearing had been scheduled to consider a request to abandon the right-of-way on a portion of Morehead Street between Maple Avenue and Fisher Street.

Dr. Reid Dusenberry, representing First Presbyterian Church, stated that the church was hoping to purchase the triangle-shaped piece of property that is owned by the City. He stated before the church could purchase the property, the street needed to be closed. Dr. Dusenberry stated that the church planned to use the property for additional parking and relocate the playschool away from Fisher Street. Dr. Dusenberry stated that by closing the street it would make it a safer intersection. He stated that the church would dedicate the sanitary sewer right-of-way back to the City. He explained that it would be a paved parking lot but that the City would be able to dig it up in order to access the lines.

Councilmember Wall asked if there was a landscaping plan.

Dr. Dusenberry stated that the church was in the process of developing a plan and that the map indicates where trees would be placed. He stated that every tree would be saved where possible and that money was in the budget to put back 20 to 26 foot trees. He stated that regulations require 25 square feet of shade for each child.

Councilmember Jones asked if abandonment of the right of way could have a condition that it would not take effect until the actual purchase of the property.

City Attorney Ward answered that the Council could make the effective date of the abandonment post confirmation of the sale.

Councilmember Jones said it would be okay to make the abandonment effective the date of the sale. He pointed out that if there were not a consummation of the sale there would be no reason to abandon the street.

Dr. Dusenberry and Mr. Bob Lewis, church members, agreed.

Councilmember Jones asked if the resolution could be adopted with the condition that it would be effective upon the transfer of that surplus property to whomever purchases it.

Development and Technical Services Director Jim Lauritsen pointed out that the legal description that would be used to advertise the property for sale included half of the street that will be closed. He asked if the City could end up selling less than what is advertised.

Attorney Ward replied that the City could sell less, but in the past it has been sold totally, whatever the City's half.

Mr. Ralph Holt, church member, stated that building and construction had begun on the long-range plan and that it had evolved into purchasing land on Fifth Street and demolition of homes in preparation to build a community center that would house the staff of Meals on Wheels, furniture ministry, Alcoholic Anonymous, as well as other community projects.

Councilmember Jones stated that he was concerned about the steps and what procedure would be used to implement the abandoning of the property. Mr. Jones stated that by abandoning the property tonight, the church could shut down half the street tonight. Mr. Jones stated that if the desire of the Council was to close the street, then the next step would be to declare the property as surplus and to proceed with the process of selling it.

Attorney Ward stated that the abandonment could be effective post sale 30 days to allow for upset bids and to allow time to come back to the City Council. He stated the City Council could reserve the right to reject any and all bids.

Upon motion by Councilmember Jones, seconded by Councilmember Starling, it was resolved unanimously to close the public hearing.

Councilmember Jones moved the adoption of the following resolution abandoning the street to be effective 30 days after the confirmation of sale of the surplus property that the right-of-way dissects.

07-17

FINAL RESOLUTION AND ORDER TO PERMANENTLY ABANDON A PORTION OF THE RIGHT-OF-WAY OF MOREHEAD STREET FROM MAPLE AVENUE TO SOUTH FISHER STREET

WHEREAS, pursuant to North Carolina General Statutes, Section 160A-299, the City Council of the City of Burlington held a public hearing on July 17, 2007, to consider permanently abandoning a portion of the right-of-way of Morehead Street from Maple Avenue to South Fisher Street.

WHEREAS, after full consideration of this matter, the City Council does hereby deem it to be in the best interest of the City of Burlington to permanently abandon a portion of the right-of-way of Morehead Street from Maple Avenue to South Fisher Street according to N.C.G.S. 160A-299.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BURLINGTON:

Sec. 1. That the City Council, after full discussion of this matter at the public hearing held on July 17, 2007, and upon the terms and conditions hereinafter set forth, does hereby order to permanently abandon a portion of the right-of-way of Morehead Street from Maple Avenue to South Fisher Street and being more particularly described as follows:

A certain tract or parcel of land in Burlington Township, Alamance County, North Carolina adjoining Morehead Street, South Fisher Street, Maple Avenue and the lands of First Presbyterian Church, and the City of Burlington and being more particularly described as follows:

BEGINNING at a new iron pin in the new northwestern right-of way line of S. Fisher Street and western right-of-way line of Morehead Street, said pin lying N 22° 54' 26" W, 16.83 feet

from an existing concrete R/W monument, thence along the eastern line of First Presbyterian Church of Burlington, N.C. and western right-of-way line of Morehead Street, the following courses and distances: N 05° 52' 38" E, 129.61 feet to an existing iron pin, thence S 88° 06' 42" E, 4.97 feet to an existing iron pin, thence N 05° 46' 55" E, 281.82 feet to a new iron pin, said iron pin being the point of beginning of a new southern right-of-way line of W. Maple Avenue and thence along the new southern right-of-way line of W. Maple Avenue along a curve to the right having a radius of 268.73 feet, chord bearing S 13° 36' 21" E, and chord distance of 75.58 feet to a calculated point and continuing along a curve to the right having a radius of 268.73 feet, chord bearing S 28° 55' 15" E and chord distance of 67.65 feet to an existing R/W monument, said monument being the NE corner of W. Maple Avenue and Morehead Street, thence along the eastern right-of-way line of Morehead Street and western line of the City of Burlington the following courses and distances: N 88° 25' 44" W, 13.33 feet to an existing R/W monument, thence S 05° 52' 46" W, 127.06 feet to an existing R/W monument, thence S 00° 07' 17" W, 41.57 feet to an existing R/W monument, thence S 86° 51' 49" E, 21.63 feet to an existing R/W monument, said monument being the southern right-of-way line of Morehead Street and western right-of-way line of S. Fisher Street, thence with the new western right-of-way line of S. Fisher Street S 40° 36' 01" W, 141.84 feet to the POINT OF BEGINNING and containing 16,427 square feet.

Sec. 2. That notice of said public hearing was published on June 7, 14, 21, and 28, 2007.

Sec. 3. That a copy of this resolution and order shall be mailed to all owners of the property abutting said street as more particularly described above.

Sec. 4. That a notice of this closing was prominently displayed and posted in at least two places along said streets.

Sec. 5. That the North Carolina Department of Transportation has consented that this street may be closed in accordance with 160A-299(e).

Sec. 6. That the City of Burlington does hereby reserve perpetual easements for water and sewer lines over the portion of Morehead Street being closed and said easements being 15 feet on either side of said existing lines and to go upon said property whenever the same is necessary for the purpose of inspecting, repairing and maintaining any and all such said water and sewer lines and with said closing being subject to a reservation of easements for other existing utility improvements or easements owned by private utilities which at the time of this street closing had utility agreement or franchise with the City of Burlington.

Sec. 7. That after full consideration of this matter at said public hearing, it appears to the satisfaction of the City Council of the City of Burlington to permanently abandon a portion of the right-of-way of Morehead Street from Maple Avenue to South Fisher Street and that no person owning property in the vicinity of said existing street will be deprived of reasonable means of ingress and egress to his property.

Sec. 8. That this resolution and order closing the above-described street shall be made effective as of the adoption of this resolution and order.

Sec. 9. That a copy of this resolution and order shall be filed in the office of the Register of Deeds for Alamance County, North Carolina.

Sec. 10. That this resolution shall take effect 30 days after the confirmation of sale of the surplus property that the right-of-way dissects.

The foregoing resolution was seconded by Councilmember Wall, and it was passed unanimously.

ITEM 5: REZONING - ELRADO STREET

Mayor Ross announced that a public hearing had been scheduled to consider rezoning from R-9, Residential District, to R-M, Residential-Mobile Home District, the property located on the southern-most end of Elrado Street and east of Knollwood Drive as shown on Alamance County Tax Map 12-56-49.

Ms. Judy Ward stated that she purchased this property in 1997 along with a ten-acre tract and four other lots. Ms. Ward stated that the only way to enter this property is by Elrado Street. She stated that she had planned to develop the

property but it was not feasible due to the sewer outfall running through the property.

Councilmember Huffman asked if she was talking about putting in one double-wide mobile home on the acreage.

Ms. Ward answered that was correct.

Planning Director Robert Harkrader stated that the property was difficult to develop and that the property did not meet the minimum acreage requirement for a mobile home park, which could only be approved through conditional zoning. He stated that the only other thing one could do with the property would be to extend the public street and build homes or place mobile homes on those lots.

Upon motion by Councilmember Jones, seconded by Councilmember Wall, it was resolved unanimously to close the public hearing.

Councilmember Jones moved the adoption of the following ordinance:

07-22

ORDINANCE TO AMEND OFFICIAL ZONING MAP (Rezone Property on Elrado Street)

BE IT ORDAINED by the City Council of the City of Burlington, North Carolina:

Section 1. That the official zoning map, an element of the Burlington Zoning Ordinance, and the Comprehensive Land Use Plan are hereby amended by rezoning from R-9, Residential District, to R-M, Residential-Mobile Home District, the property located on the southern-most end of Elrado Street and east of Knollwood Drive as shown on Alamance County Tax Map 12-56-49.

Section 2. That all ordinances or parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed.

Section 3. That this ordinance shall take effect upon passage.

The foregoing ordinance was seconded by Councilmember Wall, and after full discussion, the same was voted upon and declared duly adopted, no amendments having been offered and consent having been given to place the same upon its immediate

passage. Councilmembers voting in favor of the motion to adopt the foregoing ordinance were Ross, Jones, Huffman, Starling and Wall.

NEW BUSINESS:

ITEM 6: TEMPORARY STREET CLOSING - FRONT STREET - ALAMANCE COUNTY AREA CHAMBER OF COMMERCE

Mayor Ross announced that the City Council would consider a request from the Alamance County Area Chamber of Commerce to temporarily close Front Street between Spring Street and South Main Street beginning Wednesday, January 16, 2008, at 5:00 p.m. and reopening by 6:00 a.m. on Friday, January 18, 2008, and for approval of serving beer and wine during the cocktail time from 5:30 p.m. to 7:30 p.m. on Thursday, January 17, 2008.

Mr. Mac Williams, President, Alamance County Area Chamber of Commerce, asked the Council for permission to close a portion of Front Street on the requested dates between South Spring Street and South Main Street for the purpose of providing a venue for the Chamber's annual meeting. Mr. Williams stated that this was one of the largest meetings held during the year and that the Chamber had been working the past years to make these meetings more entertaining and interesting and to promote the community. Mr. Williams further stated that before the Chamber proceeded with planning, it was asking permission to close the street on those dates. Mr. Williams stated he was aware that there would be ramifications and considerations to be made before the event could take place. Mr. Williams also stated that the Chamber had contacted the Downtown Corporation and had received favorable response. Mr. Williams had also talked to the Fire Department and to the City Manager and understood that this event would not be a simple event. He asked the Council to consider the request.

Mayor Ross and Councilmember Huffman mutually agreed that they were in favor of the event and that it was a great use of the downtown area.

Upon motion by Councilmember Huffman, seconded by Councilmember Starling, it was resolved unanimously to approve the temporary street closing request and to approve serving beer and wine during the cocktail hour.

STAFF REPORT:

ITEM 7: STREET RESURFACING UPDATE

Public Works Director Gary Hicks gave an update on the 2007 resurfacing. Mr. Hicks stated that last year at this time Riley Paving had worked from May 1, 2007, to approximately October 31, 2007, to complete 30 miles. This year, the contractor, S. T. Wooten, had maintained two paving crews, subcontracting a portion of the work to APAC. Mr. Hicks reported that as of last week S. T. Wooten was 60 to 65% complete or around 20-21 miles of the 35 miles scheduled to be resurfaced. Mr. Hicks stated that S. T. Wooten could be through by mid to late August 2007. Mr. Hicks stated that as far as funds expenditure, it was important to know that when bond funds are utilized there were payment schedules one must meet to avoid arbitrage and the subsequent loss of interest on the invested bond funds. He explained that on July 11, 2007, 12 months after the original receipt of the bond funds the City had to expend 45% or \$4,185,000.00. He said that the City has spent \$5.4 million and was ahead of schedule. He stated the City's next deadline for bond expenditure would be at 18 months or December 11, 2007. Mr. Hicks stated that the contract had gone smoothly with minimal complaints.

ADD-ON: CITY ATTORNEY ROBERT WARD - REQUEST FROM THE CITY OF GRAHAM

City Attorney Robert Ward stated that the City of Graham's attorney, Mr. Joe Wheeler had passed away and that he received a call last week from Graham City Manager Chris Rollins who requested help from the City of Burlington for approximately 60 days for temporary legal assistance. City Attorney Ward stated that he would be happy to assist Graham on a temporary basis and it would certainly be the neighborly thing to do, and he therefore asked for approval from the City Council for him to provide legal assistance to Graham on a temporary basis.

Mayor Ross asked what kind of time the City of Graham was requesting.

City Attorney Ward answered that City Manager Rollins stated that he may have a few legal items such as consultations regarding personnel matters, review of ordinances, and review of easements, but he did not anticipate that any legal matters would be lengthy or require any long-term time commitment.

Councilmember Jones stated that he had talked to City Manager Rollins and asked about the services he had requested and understood that the requested services are short in nature and that Mr. Ward should be able to easily handle the City of Graham's requests without impairing his ability to handle the City of Burlington's affairs. Mr. Jones agreed that it was the neighborly thing to do and did not expect any payment for Mr. Ward's services nor did he expect Mr. Ward to charge the City of Graham for any of his services. Mr. Jones stated that the City of Graham was in the process of soliciting written proposals from Alamance County attorneys who would like to provide legal services to the City of Graham.

Councilmember Huffman stated that this request was not unusual and that there were certain traditions in the Bar that when an attorney passes away other members of the Bar step in and complete matters that the attorney had in progress and does not receive funds for services rendered.

PUBLIC COMMENT PERIOD:

Mr. Richard Parker asked the Council to encourage the Parks and Recreation Commission to study the feasibility of creating smoke-free zones in the City's playgrounds and amusement areas. Mr. Parker stated that while at the City Park with his two-year old granddaughter, it was aggravating while riding the merry-go-round and have someone puffing away on the other side of the fence and filling the area with smoke. Mr. Parker further stated that other municipalities such as Greensboro had smoke-free zones in the playgrounds and amusement areas. Mr. Parker stated that he was not talking about the softball fields, just in the amusement areas and requested a sign that would read "Smoke-Free Zone."

ADJOURN:

Upon motion by Councilmember Huffman, seconded by Councilmember Starling, it was resolved unanimously to adjourn.

Jondeen D. Terry
City Clerk